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LLC, Good Samaritan Hospital Medical Staff, Steven M. Schwartz, M.D., and
Bruce G. Wilbur, M.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

J. AUGUSTO BASTIDAS, M.D.;

Plaintiff,

vs.

GOOD SAMARITAN HOSPITAL LP,
a Delaware Limited Partnership;
SAMARITAN LLC, a Delaware limited
liability company; GOOD SAMARITAN
HOSPITAL MEDICAL STAFF,
a California unincorporated association;
HCA, Inc., a Delaware corporation;
STEVEN M. SCHWARTZ, M.D.; and
BRUCE G. WILBUR, M.D.

Defendants.

CASE NO. C-13-4388-SI

JOINT STIPULATION TO CONTINUE
PRETRIAL AND TRIAL DATES AND
~~[PROPOSED]~~ ORDER

Honorable Susan Illston

Complaint Filed: September 20, 2013
Trial Date: November 30, 2015

1 WHEREAS, the operative complaint in this action, the Third Amended Complaint, was filed
2 on August 6, 2014 [Doc. No. 83];

3 WHEREAS, the Court issued orders continuing the hearing on Defendants' Motion to Dismiss
4 the Third Amended Complaint to December 12, 2014, and continuing the Initial Case Management
5 Conference to December 12, 2014 [Doc. Nos. 86, 88, 91] and the Court issued its Order Granting
6 in Part and Denying in Part Defendants' Motion to Dismiss on December 8, 2014 [Doc. No. 93];

7 WHEREAS, the answer to the Third Amended Complaint was filed on April 15, 2015 [Doc.
8 No. 99];

9 WHEREAS, under the original schedule in the Pretrial Preparation Order [Doc. No. 95], the
10 trial was scheduled for November 30, 2015 with dispositive motions to be heard by September 11,
11 2015 and expert discovery cut off as of October 30, 2015;

12 WHEREAS, by Joint Stipulation and Order to Extend Time to File Dispositive Motions and
13 Continue Related Deadlines [Doc. No. 108, Doc. No 110], on August 7, 2015, the date for filing
14 dispositive motions was extended to August 28, 2015, the oppositions to dispositive motions were
15 set for September 11, 2015, the replies were set for September 18, 2015; and the hearing on the
16 dispositive motions was set for October 2, 2015;

17 WHEREAS, by Joint Stipulation to Extend Briefing Dates and Order [Doc. No. 119 , Doc.,
18 No. 120] on September 10, 2015, opposition to the summary judgment was set for September 16,
19 2015; reply briefs for the summary judgment were set for September 28, 2015; and the hearing on
20 summary judgment was set for October 16, 2015;

21 WHEREAS, by Joint Stipulation and Order to Extend Time to File Dispositive Motions and
22 Continue Related Deadlines [Doc. No. 130] on October 1, 2015 the Court ordered that the Parties
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1 shall designate experts by October 26, 2015; the deadline for designating experts for rebuttal was set
 2 for November 2, 2015; and the expert discovery cutoff date set for November 13, 2015;

3 WHEREAS the motion for summary judgement, the opposition to the summary judgment and
 4 the reply briefs have all been filed;

5 WHEREAS, by its Order for Supplemental Briefing [Doc. No. 126] on September 30, 2015
 6 the court ordered supplemental briefs on defendants' motion for summary judgment to be filed
 7 October 13, 2015 and defendants timely filed their supplemental brief;

8 WHEREAS, severe injuries resulting from being hit by an automobile, including fractures
 9 of the skull, spine, rib and pelvis, put plaintiff's counsel in the San Francisco General Hospital
 10 Trauma Unit through October 12, 2015 and have since greatly restricted his ability to work;

11 WHEREAS, the parties initially agreed and the Court ordered that the plaintiff should file its
 12 Supplemental Brief on October 26, 2015 and that the summary judgment oral argument would be
 13 rescheduled for November 9, 2015 [Doc. No. 134];

14 WHEREAS the parties have further conferred and agreed, based on the continuing restrictions
 15 on plaintiff's counsel work, in the interests of providing adequate time for expert designation and and
 16 discovery and pretrial preparation, subject to the Court's approval, upon the following revised
 17 schedule for the trial date and pretrial dates:

- 18 • Plaintiff's Supplemental Brief, ordered by the Court on October 26, 2015 shall be filed
 19 November 9, 2015;
- 20 • Defendants may file a reply brief to Plaintiff's Supplemental Brief on November 17,
 21 2015;
- 22 • A hearing on the summary judgment motion will be held on November 20, 2015 or
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a date thereafter that is convenient for the Court;

- The parties shall Designate their Expert Witnesses by December 7, 2015;
- Rebuttal Expert Witnesses shall be identified by December 18, 2015;
- Expert Discovery shall be completed by January 15, 2016;
- The Pretrial Conference date shall be February 17, 2016; and
- The Jury Trial date shall be February 29, 2016.

WHEREAS, these modification will not alter the dates of any other events or deadlines fixed by any Court order.

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

- Plaintiff's Supplemental Brief, ordered by the Court on October 26, 2015 shall be filed November 9, 2015;
- Defendants may file a reply brief to Plaintiff's Supplemental Brief on November 17, 2015;
- A hearing on the summary judgment motion will be held on November 20, 2015 or a date thereafter that is convenient for the Court;
- The parties shall Designate their Expert Witnesses by December 7, 2015;
- Rebuttal Expert Witnesses shall be identified by December 18, 2015;
- Expert Discovery shall be completed by January 15, 2016;
- The Pretrial Conference date shall be February 17, 2016; and
- The Jury Trial date shall be February 29, 2016.

1 DATED: October 23, 2015

HENNEFER, FINLEY & WOOD, LLP

2 By: /s/ James A. Hennefer
3 James A. Hennefer

4 Attorneys for Plaintiff
5 J. Augusto Bastidas, M.D.

6 DATED: October 23, 2015

7 GIBSON, DUNN & CRUTCHER LLP

8 By: /s/ Michael Li-Ming Wong
9 Michael Li-Ming Wong

10 Attorneys for Defendants
11 Good Samaritan Hospital LP, Good
12 Samaritan Hospital Medical Staff,
13 Samaritan LLC, Steven M. Schwartz,
14 M.D. and Bruce G. Wilbur, M.D.

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/29, 2015

By: 
HONORABLE SUSAN ILLSTON

FILER'S ATTESTATION

I, James A. Hennefer, hereby attest that concurrence in the filing of this Joint Stipulation to Continue Pretrial and Trial Dates and [Proposed] Order has been obtained from each of the other signatories listed above, each of whom authorizes me to affix their electronic signature to this Joint Stipulation to Extend Briefing Date and Oral Argument and [Proposed] Order and to file it electronically.

Dated: October 23, 2015

Respectfully submitted,

HENNEFER, FINLEY & WOOD, LLP

By: /s/ James A. Hennefer
James A. Hennefer
Attorneys for J. Augusto Bastidas, M.D.